

**INFORMATION REQUEST FOR  
SUTTON BROOK DISPOSAL AREA SUPERFUND SITE**

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\* **Period Being Investigated: 1957-1992** \*  
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In addition to the questions which follow, this enclosure includes: a declaration; detailed instructions for responding to this request; definitions of words such as "Respondent," "identify," "waste," and "asset" used in the questions; and a site description. These materials appear at the end of the questions; please refer to them in answering all questions. Of particular importance:

- Answer each question with respect to the period being investigated noted above unless the question indicates otherwise.
- Answer all questions completely in accordance with the definitions and instructions.
- Complete the enclosed declaration.
- For each question, identify all persons and documents relied upon in the preparation of the answer.
- All information provided for which you are making a claim of business confidentiality or which contains personal privacy information should be contained on separate sheets and clearly marked as confidential or private.
- This request imposes a continuing obligation upon you to submit responsive information discovered after your original response is submitted to EPA.

## INFORMATION REQUEST QUESTIONS

### 1. General Information About the Respondent:

**NOTE: All questions in this section refer to the present time unless otherwise indicated.**

- a. Provide the full legal name and mailing address of the Respondent.
- b. For each person answering these questions on behalf of the Respondent, provide:
  - i. full name;
  - ii. title;
  - iii. business address;
  - iv. business telephone number and FAX machine number.
- c. If the Respondent wishes to designate an individual for all future correspondence concerning this Site, including any legal notices, please so indicate here by providing that individual's name, address, telephone number, and FAX number.

### 2. Respondent's Operations:

**NOTE: All questions in this section refer to the period being investigated unless otherwise indicated.**

- a. Provide the complete addresses of the Respondent's plants and other buildings or structures where the Respondent carried out its operations, excluding those locations where only clerical/office work was performed within 60 miles of the Site. **Unless otherwise indicated, all following questions refer to these operations.<sup>1</sup>**
- b. Provide a brief description of the nature of the Respondent's operations at each location including:
  - i. the date such operations commenced and concluded;
  - ii. the types of work performed at each location, including but not limited to the industrial, chemical, or institutional processes undertaken at each location; and
  - iii. the Standard Industrial Classification ("SIC") code for the business at each location.

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<sup>1</sup> If the Respondent has more than three separate places of business in this area, please contact the EPA representative listed in the text of the cover letter to determine the appropriate scope of your response.

- c. If the nature or size of the Respondent's operations changed over time, describe those changes and the dates they occurred.
  - d. List the products the Respondent manufactured, recycled, recovered, treated, or otherwise processed in these operations.
  - e. In general terms, list the types of raw materials used in the Respondent's operations.
  - f. Provide copies of Material Safety Data Sheets (MSDS) for materials used in the Respondent's operations.
  - g. Describe the cleaning and maintenance of the equipment and machinery involved in these operations, including but not limited to:
    - i. the types of materials used to clean/maintain this equipment/machinery; and
    - ii. the monthly or annual quantity of each such material used.
  - h. Describe the methods used to clean up spills of liquid or solid materials during the Respondent's operation, including but not limited to:
    - i. the types of materials spilled in the Respondent's operations;
    - ii. the materials used to clean up those spills;
    - iii. the methods used to clean up those spills; and
    - iv. where the materials used to clean up those spills were disposed of.
  - i. Provide a schematic diagram or flow chart that fully describes and/or illustrates the Respondent's operations. The Respondent need not provide extensive details regarding engineering or chemical processes at each step of the operations—EPA is not seeking details that could reveal trade secret process information.
3. Respondent's Wastes and Waste Streams (including By-Products):

**NOTE: All questions in this section refer to the period being investigated unless otherwise indicated.**

- a. Complete the enclosed "Waste Survey," checking each substance present in the Respondent's wastes or by-products and providing all requested information for each such substance that is checked.
- b. For each type of waste (including by-products) from the Respondent's operations, including but not limited to all liquids, sludges, and solids, provide the following information:

- i. its physical state;
    - ii. its nature and chemical composition;
    - iii. its color;
    - iv. its odor;
    - v. the approximate monthly and annual volumes of each type of waste (using such measurements as gallons, cubic yards, pounds, etc.); and
    - vi. the dates (beginning & ending) during which each type of waste was produced by the Respondent's operations.
  - c. Designate on a schematic diagram (see Question 2.i.) which part of the Respondent's operations generated each type of waste, including but not limited to wastes generated by cleaning and maintenance of equipment and machinery and wastes resulting from spills of liquid materials.
  - d. Identify (see Definitions) the person(s) responsible for collecting and managing each type of waste.
  - e. Describe how each type of waste was collected and stored during the Respondent's operation prior to disposal/recycling/sale/transport, including:
    - i. the type of container in which each type of waste was placed/stored; and
    - ii. where each type of waste was collected/stored.
4. Respondent's Disposal/Treatment/Storage/Recycling/Sale of Waste (including By-Products):

**NOTE: All questions in this section refer to the period being investigated unless otherwise indicated.**

**ALSO NOTE: Your response to questions in this section must refer to all locations, including but not limited to the Site, to which the Respondent sent its wastes.**

- a. Identify (see Definitions) all individuals who currently have and those who have had responsibility for the disposal, treatment, storage, recycling, or sale of the Respondent's wastes.
- b. Identify (see Definitions) all individuals who currently have and those who have had knowledge of the disposal/treatment/storage/recycling/sale of the Respondent's wastes.
- c. Identify (see Definitions) all individuals who currently have and those who have had responsibility for the Respondent's environmental matters.

- d. For the previous three responses, also provide each individual's:
- i. job title;
  - ii. duties;
  - iii. dates performing those duties;
  - iv. supervisors for those duties;
  - v. current position or, if such individual is no longer employed by the Respondent, the date of the individual's resignation; and
  - vi. the nature of the information possessed by such individuals concerning the Respondent's waste management.
- e. Describe the containers used to take each type of waste from the Respondent's operation, including but not limited to:
- i. the type of container (e.g., 55 gal. drum, dumpster, etc.);
  - ii. the colors of the containers;
  - iii. any distinctive stripes or other markings on those containers;
  - iv. any labels or writing on those containers (including the content of those labels);
  - v. whether those containers were new or used; and
  - vi. if those containers were used, a description of the prior use of the containers.
- f. For each type of waste, describe the Respondent's contracts, agreements, or other arrangements for its disposal, treatment, or recycling.
- g. Provide copies of such contracts and other documents reflecting such agreements or arrangements.
- h. State where the Respondent sent each type of its waste for disposal, treatment, or recycling.
- i. Identify (see Definitions) all entities and individuals who picked up waste from the Respondent or who otherwise transported the waste away from the Respondent's operations (these companies and individuals shall be called "Waste Carriers" for purposes of this Information Request).
- j. If Respondent transported any of its wastes away from its operations, please so indicate and answer all questions related to "Waste Carriers" with reference to the Respondent's actions.
- k. For each type of waste, specify which Waste Carrier picked it up.
- l. For each type of waste, state how frequently each Waste Carrier picked up such waste.

- m. For each type of waste, state the volume picked up by each Waste Carrier (per week, month, or year).
- n. For each type of waste, state the dates (beginning & ending) such waste was picked up by each Waste Carrier.
- o. Provide copies of all documents containing information responsive to the previous seven questions.
- p. Describe the vehicles used by each Waste Carrier to haul away each type of waste including but not limited to:
  - i. the type of vehicle (e.g., flatbed truck, tanker truck, containerized dumpster truck, etc.);
  - ii. names or markings on the vehicles; and
  - iii. the color of such vehicles.
- q. Identify (see Definitions) all of each Waste Carrier's employees who collected the Respondent's wastes.
- r. Indicate the ultimate disposal/recycling/treatment location for each type of waste.
- s. Provide all documents indicating the ultimate disposal/recycling/treatment location for each type of waste.
- t. Describe how the Respondent managed pickups of each waste, including but not limited to:
  - i. the method for inventorying each type of waste;
  - ii. the method for requesting each type of waste to be picked up;
  - iii. the identity of (see Definitions) the waste carrier employee/agent contacted for pickup of each type of waste;
  - iv. the amount paid or the rate paid for the pickup of each type of waste;
  - v. the identity of (see Definitions) the Respondent's employee who paid the bills; and
  - vi. the identity of (see Definitions) the individual (name or title) and company to whom the Respondent sent the payment for pickup of each type of waste.
- u. Identify (see Definitions) the individual or organization (i.e., the Respondent, the Waste Carrier, or, if neither, identify such other person) who selected the location where each of the Respondent's wastes were taken.
- v. State the basis for and provide any documents supporting the answer to the previous

question.

- w. Describe all wastes disposed by the Respondent into the Respondent's drains including but not limited to:
  - i. the nature and chemical composition of each type of waste;
  - ii. the dates on which those wastes were disposed;
  - iii. the approximate quantity of those wastes disposed by month and year;
  - iv. the location to which these wastes drained (e.g., on-site septic system, on-site storage tank, pretreatment plant, Publicly Owned Treatment Works ("POTW"), etc.); and
  - v. whether and what pretreatment was provided.
- x. Identify any sewage authority or treatment works to which the Respondent's waste was sent.
- y. For all settling tank, septic system, or pretreatment system sludges or other treatment wastes resulting from the Respondent's operations, complete the enclosed Waste Survey and respond to all previous questions of this Information Request with reference to such wastes.
- z. Describe the nature and dates of any spills, fires, explosions, leaks, leachings, dumpings, or other events on the Respondent's property or adjacent areas in which raw materials, by-products, or other materials from the Respondent's operations may have escaped from the processing and waste disposal methods normally employed by the Respondent. Indicate if such events were investigated or otherwise responded to by local, state, or federal officials, including without limitation the local fire department, the state department of environmental protection, and EPA.
- aa. If not already provided, specify the dates and circumstances when the Respondent's waste was taken to the Site, and identify the companies or individuals who brought the Respondent's waste to the Site. Provide all documents which support or memorialize your response.
- bb. Provide all documents that in any way refer or relate to the Rocco's Landfill, the Rocco Disposal and Dump, and the Sutton Brook Disposal Area.

5. Respondent's Environmental Reporting:

**NOTE: All questions in this section refer to the period being investigated and the last ten years unless otherwise indicated.**

- a. Provide all Resource Conservation and Recovery Act (RCRA) Identification Numbers

issued to the Respondent by EPA or a state for the Respondent's operations.

- b. Identify (see Definitions) all federal offices to which the Respondent has sent or filed hazardous substance or hazardous waste information.
- c. State the years during which such information was sent/filed.
- d. Identify (see Definitions) all state offices to which the Respondent has sent or filed hazardous substance or hazardous waste information.
- e. State the years during which such information was sent/filed.
- f. List all federal and state environmental laws and regulations under which the Respondent has reported to federal or state governments, including but not limited to: Toxic Substances Control Act, 15 U.S.C. §§ 2601 et seq., ("TSCA"); Emergency Planning and Community Right-to-Know Act, 42 U.S.C. §§ 1101 et seq., ("EPCRA"); and the Clean Water Act (the Water Pollution Prevention and Control Act), 33 U.S.C. §§ 1251 et seq.
- g. Identify (see Definitions) the federal and state offices to which such information was sent.

6. Respondent's Legal and Financial Status:

**NOTE: All questions in this section refer to the present time unless otherwise indicated.**

- a. State the number of the Respondent's current employees.
- b. State the annual average number of persons employed by the Respondent for every five year period during the period being investigated.
- c. If the Respondent has ever done business under any other name;
  - i. list each such name; and
  - ii. list the dates during which such name was used by the Respondent.
- d. Provide the following financial information for each of the last three years:
  - i. total sales;
  - ii. net income;
  - iii. depreciation;
  - iv. total assets;



- v. total liabilities; and
  - vi. net working capital (or net current assets).
- e. If the Respondent is an individual, provide for each of the last five years:
- i. the gross annual income reported to the U.S. Internal Revenue Service; and
  - ii. the taxable annual income reported to the U.S. Internal Revenue Service.
- f. If the Respondent is a corporation, provide:
- i. the date of incorporation;
  - ii. state of incorporation;
  - iii. agent for service of process;
  - iv. the names of current officers;
  - v. the name of current directors;
  - vi. the names of current shareholders owning more than 5% of the Respondent's stock;
  - vii. the names of all officers during the period being investigated;
  - viii. the names of all directors during the period being investigated; and
  - ix. the names of all shareholders owning more than 5% of the Respondent's stock at any time during the period being investigated.
- g. If the Respondent is a partnership, provide:
- i. the names and addresses of all current partners;
  - ii. the names of all partners in the period being investigated; and
  - iii. the type of partnership (i.e., general, limited).
- h. If the Respondent is a trust, provide:
- i. the names and addresses of all current trustees;
  - ii. the names and addresses of all current beneficiaries;
  - iii. the names of all trustees during the period being investigated;
  - iv. the names of all beneficiaries during the period being investigated; and
  - v. a copy of the document which sets out the purpose of the trust and the duties and powers of the trustees (e.g., the declaration of trust or trust agreement).
- i. If the Respondent is, or was at any time during the period being investigated, a subsidiary of, otherwise owned or controlled by, or otherwise affiliated with another corporation or entity, then describe the nature of each such corporate relationship, including but not limited to:

- i. a general statement of the nature of relationship;
  - ii. the dates such relationship existed;
  - iii. the percentage of ownership of the Respondent that is held by such other entity; and
  - iv. for each such affiliated entity provide the names and complete addresses of its parent, subsidiary, and otherwise affiliated entities.
- j. Identify all of the Respondent's predecessors-in-interest and provide a description of the relationship between the Respondent and each of those predecessors-in-interest.
- k. If the Respondent no longer exists as a legal entity because of dissolution provide:
  - i. a brief description of the nature and reason for dissolution;
  - ii. the date of dissolution;
  - iii. documents memorializing or indicating the dissolution of the entity; and
  - iv. a statement of how and to whom the entity's assets were distributed.
- l. If the Respondent no longer exists as the same legal entity it was during the period being investigated because of transactions involving asset purchases or mergers, provide:
  - i. the titles and dates of the documents that embody the terms of such transactions (i.e., purchase agreements, merger and dissolution agreements, etc.);
  - ii. the identities of the seller, buyer, and any other parties to such transactions; and
  - iii. a brief statement describing the nature of the asset purchases or mergers.
- m. If the Respondent is a governmental entity, provide:
  - i. the complete name of the entity and other governmental entities of which it is a part; and
  - ii. all notice and service of process requirements for the Respondent.
- n. If the Respondent has filed for bankruptcy, provide:
  - i. the U.S. Bankruptcy Court in which the petition was filed;
  - ii. the docket numbers of such petition;
  - iii. the date the bankruptcy petition was filed;
  - iv. whether the petition is under Chapter 7 (liquidation), Chapter 11 (reorganization), or other provision; and
  - v. a brief description of the current status of the petition.

7. Information About Others:

- a. If you have information concerning the operation of the Site or the source, content or quantity of materials placed/disposed at the Site which is not included in the information you have already provided, provide all such information.
- b. If not already included in your response, if you have reason to believe that there may be persons, including persons currently or formerly employed by the Respondent, who are able to provide a more detailed or complete response to any of these questions or who may be able to provide additional responsive documents, identify such persons and the additional information or documents that they may have.
- a. If not already provided, identify all persons, including the Respondent's current and former employees, who have knowledge or information about the generation, use, purchase, treatment, storage, disposal, placement or other handling of materials at, or transportation of materials to, the Site.

8. Compliance with This Request:

- a. Describe all sources reviewed or consulted in responding to this request, including but not limited to:
  - i. the names of all individuals consulted;
  - ii. the current job title and job description of each individual consulted;
  - iii. the job title and job description during the period being investigated of each individual consulted;
  - iv. whether each individual consulted is a current or past employee of the Respondent;
  - v. the names of all divisions of the Respondent for which records were reviewed;
  - vi. the nature of all documents reviewed;
  - vii. the locations where those documents reviewed were kept prior to review; and
  - viii. the location where those documents reviewed are currently kept.

The following form of declaration must accompany all information submitted by the Respondent in response to the Information Request: \_\_\_\_\_

**DECLARATION**

I declare under penalty of perjury that I am authorized to respond on behalf of

\_\_\_\_\_ and that the foregoing is complete, true, and correct.  
Respondent

Executed on \_\_\_\_\_, 200\_\_

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Type Name

\_\_\_\_\_  
Title [if any]

## INFORMATION REQUEST INSTRUCTIONS

1. Answer Every Question Completely. You are required to provide a separate answer to each and every question and subpart of a question set forth in this Information Request. Incomplete, evasive, or ambiguous answers shall constitute failure to respond to this Information Request and may subject you to the penalties set out in the cover letter.
2. Number Each Answer. Number each answer with the number of the question to which it corresponds.
3. Provide Information about the Period Being Investigated. You are required to answer each question with respect to the period being investigated, unless the question specifically states otherwise. If the response fails to address the period being investigated, EPA will consider this a failure to comply with the request and may take action against you for this noncompliance.
4. Provide the Best Information Available. You must provide responses to the best of the Respondent's ability, even if the information sought was never put down in writing or if the written documents are no longer available. You should seek out responsive information from current and former employees/agents. Submission of cursory responses when other responsive information is available to the Respondent will be considered non-compliance with this Information Request.
5. Identify Sources of Answer. For each question, identify (see Definitions) all the persons and documents that you relied on in producing your answer.
6. Submit Documents with Labels Keyed to Question. For each document produced in response to this Information Request, indicate on the document (or in some other reasonable manner) the number of the question to which it responds.
7. Continuing Obligation to Provide/Correct Information. If additional information or documents responsive to this Request become known or available to you after you respond to this Request, EPA hereby requests pursuant to Section 104(e) of CERCLA that you supplement your response to EPA. Failure to supplement your response within 30 days of discovering such responsive information may subject you to \$27,500 per day penalties. If at any time after the submission of this response, you discover or believe that any portion of the submitted information is false or misrepresents the truth, you must notify EPA of this fact as soon as possible and provide EPA with a corrected response. If any part of the response to this Information Request is found to be false, the signatory to the response and the company may be subject to criminal prosecution.
8. Complete the Enclosed Declaration. You are required to complete the enclosed declaration which certifies that the information you are providing in response to this Information

Request is true, accurate, and complete.

9. Confidential Information. The information requested herein must be provided even though you may contend that it includes confidential information or trade secrets. You may assert a confidentiality claim covering part or all of the information requested, pursuant to Sections 104(e)(7)(E) and (F) of CERCLA, 42 U.S.C. §§ 9604(e)(7)(E) and (F), and 40 C.F.R. § 2.203(b). All information claimed to be confidential should be contained on separate sheet(s) and should be clearly identified as "trade secret" or "proprietary" or "company confidential." Personal financial information, including individual tax returns, may also be claimed as confidential. In addition, please note that you bear the burden of substantiating your confidentiality claim. Your claim of confidentiality should be supported by the submission of information supporting such a claim; the type of information to be submitted is set out in 40 C.F.R. Part 2. Information covered by a claim of confidentiality will be disclosed by EPA only to the extent, and only by means of the procedures, provided in 40 C.F.R. §§ 2.201-2.311. **If no such claim accompanies the information when it is received by EPA, it may be made available to the public by EPA without further notice to you.** You should read the above cited regulations carefully before asserting a business confidentiality claim, since certain categories of information are not properly the subject of such a claim.
10. Disclosure to EPA Contractor. Information which you submit in response to this Information Request may be disclosed by EPA to authorized representatives of the United States, even if you assert that all or part of it is confidential business information. Please be advised that EPA intends to disclose all responses to this Information Request to one or more of its private contractors listed in the attached EPA Contractor List for the purpose of organizing and/or analyzing the information contained in the responses to this Information Request. If you are submitting information which you assert is entitled to treatment as confidential business information, you may comment on this intended disclosure within fourteen (14) days of receiving this Information Request.
11. Personal Privacy Information. Personnel and medical files, and similar files the disclosure of which to the general public may constitute an invasion of privacy should be segregated from your responses, included on separate sheet(s), and marked as "Personal Privacy Information." You should note however, that unless prohibited by law, EPA may disclose this information to the general public without further notice to you. (Please see Instruction 9 for information concerning treatment of individual tax returns.)
12. Objections to Questions. While the Respondent may indicate that it objects to certain questions in this Information Request, it must provide responsive information notwithstanding those objections. To object without providing responsive information may subject Respondent to the penalties set out in the cover letter.
13. Claims of Privilege. If you claim that any document responsive to this Information Request

is a communication for which you assert that a privilege exists for the entire document, identify (see Definitions) the document and provide the basis for asserting the privilege. For any document for which you assert that a privilege exists for a portion of it, provide the portion of the document for which you are not asserting a privilege, identify the portion of the document for which you are asserting the privilege, and provide the basis for such an assertion. Please note that regardless of the assertion of any privilege, any facts contained in the document which are responsive to the Information Request must be disclosed in your response.

## EPA CONTRACTOR LIST

### CONTRACTOR

### CONTRACT NUMBER

Techlaw, Inc.

ZES Contract #68-W-99-019

Subcontractors (as of 1/28/99):

Blake Investigative Services

Northbridge Environmental Management Consultants

Watts Engineering

Podziba & Associates

Arctic Slope Regional Corp. (ASRC) Aerospace

Contract #68-W-01-002

Booz, Allen & Hamilton

GS09K99BHD0002

CACI, Inc.

EPA I.A.G. #3C-G-ENR-0051



## INFORMATION REQUEST DEFINITIONS

All terms not defined herein shall have their ordinary meaning, unless such terms are defined in CERCLA, 42 U.S.C. §§ 9601 et seq., or Volume 40 of the Code of Federal Regulations (C.F.R.), in which case such statutory or regulatory definitions shall apply.

The following definitions shall apply to the following words as they appear in this Information Request:

1. The term "you" or "Respondent" shall mean: the addressee of this Information Request; the addressee's officers, managers, employees, contractors, trustees, divisions, companies, subsidiaries, parent corporations, assigns, and agents; and any predecessor or successor corporations, divisions, companies, subsidiaries, or parent corporations.
2. The terms "document" and "documents" shall mean any method of recording, storing, or transmitting information. "Document" shall include but not be limited to:
  - a. writings of any kind, formal or informal, whether or not wholly or partially in handwriting, including (by way of illustration and not by way of limitation) any of the following:
    - i. invoice, receipt, endorsement, check, bank draft, canceled check, deposit slip, withdrawal slip, order;
    - ii. letter, correspondence, fax, telegram, telex, Email;
    - iii. minutes, memorandum of meetings and telephone and other conversations, telephone messages;
    - iv. agreement, contract, and the like;
    - v. log book, diary, calendar, desk pad, journal;
    - vi. bulletin, circular, form, pamphlet, statement;
    - vii. report, notice, analysis, notebook;
    - viii. graph or chart; or
    - ix. copy of any document.
  - b. microfilm or other film record, photograph, or sound recording on any type of device;
  - c. any tape, disc, or other type of memory generally associated with computers and data processing, together with:
    - i. the programming instructions and other written material necessary to use such punch card, disc, or disc pack, tape or other type of memory; and
    - ii. printouts of such punch card, disc, or disc pack, tape or other type of memory; and

- d. attachments to or enclosures with any document as well as any document referred to in any other document.
3. The term "identify" or "provide the identity of" means, with respect to a natural person, to set forth: (a) the person's full name, (b) present or last known business and home addresses and telephone numbers; (c) present or last known employer (include full name and address) with job title, position or business; and (d) the person's social security number.
4. The term "identify" or "provide the identity of" means, with respect to a corporation, partnership, business trust, government office or division, or other entity (including a sole proprietorship), to set forth: (a) its full name; (b) complete street address; (c) legal form (e.g. corporation, partnership, etc.); (d) the state under whose laws the entity was organized; and (e) a brief description of its business.
5. The term "identify" or "provide the identity of" means, with respect to a document, to provide: (a) its customary business description (e.g., letter, invoice); (b) its date; (c) its number if any (e.g., invoice or purchase order number); (d) the identity of the author, addressor, addressee and/or recipient; (e) and a summary of the substance or the subject matter. Alternatively, the Respondent may provide a copy of the document.
6. The term "material" or "materials" shall mean any and all objects, goods, substances, or matter of any kind, including but not limited to wastes.
7. The terms "the period being investigated" and "the relevant time period" shall mean the period being investigated as specified on the first page of the Information Request.
8. The terms "the Site" or "the facility" shall mean and include the property on or about the 100 acres of land in Tewksbury, Massachusetts, identified by EPA as the Sutton Brook Disposal Area Superfund Site, which is more fully described in the enclosed Site Description.
9. The term "waste" or "wastes" shall mean and include trash, garbage, refuse, by-products, solid waste, hazardous waste, hazardous substances, and pollutants or contaminants, whether solid, liquid, or sludge, including but not limited to containers for temporary or permanent holding of such wastes.
10. The term "asset" shall mean and include but not be limited to the following: cash, commodities, personal property, collectibles, real estate, equipment, vehicles, furniture, inventory, supplies, customer lists, accounts receivable, interest in insurance policies, interests in partnerships, corporations, and unincorporated companies, whether foreign or domestic, securities, patents, stocks, bonds, and other tangible as well as intangible property.

11. The term "real estate" shall mean and include, but not be limited to the following: land, buildings, a house, dwelling place, condominium, cooperative apartment, office or commercial building, including those located outside the United States.

## SITE DESCRIPTION

The Sutton Brook Disposal Area Superfund Site (the "Site"), which is roughly synonymous with the Rocco's Landfill (a.k.a. Rocco Disposal and Dump), is located off South Street, with an address of 1069 South Street, on the eastern boundary of Tewksbury, Middlesex County, Massachusetts, with a small portion extending into the Town of Wilmington, Massachusetts. The Site includes: Lots No. 33, 34, 35, 69, and 70, identified in the Town of Tewksbury Tax Assessor's Maps Nos. 107, 108, 109, and 145; Lot No. 15, identified in the Town of Wilmington Tax Assessor's Map No. R-2; as well as an unnumbered lot with an area of approximately 15 acres. The Site is bounded approximately: by a former railroad grade along the northern boundary, beyond which are a piggery, greenhouses, stables, a pumpkin field, and wooded area; by a partially wooded field and agricultural land to the east; by wetlands, conservation land and open space owned by the Town of Tewksbury and a number of residences located along Carleton Road to the south; and by wetlands and a number of residences located along South Street, Serenity Drive and Bemis Circle to the west. The Site includes the Rocco's residential area with a home and two garages, a defunct loam operation area, and two landfill lobes (referred to as the combined northern and eastern lobes, and the southern lobe). The Site comprises three source areas: a 50-acre landfill, an area of buried drums, and contaminated soils associated with the drum disposal area. The crushed drums and associated contaminated soil are found southwest of the northern lobe. Several additional drum burial areas and suspected disposal areas have recently been identified in the vicinity of the landfill and are currently being investigated. As additional information becomes available, EPA will determine whether these other source areas should be included in the Sutton Brook Disposal Area Superfund Site.

The surface water drainage pathway from the disposal area is south, towards Sutton Brook and associated wetlands. Sutton Brook flows along the southern portion of the property and into the Shawsheen River. The Shawsheen River flows for approximately 10 miles north through the towns of Tewksbury, Andover, and into Lawrence where it joins the Merrimack River.

Landfill operations began in 1957 as a "burning dump" when the Tewksbury Board of Health designated the area as a temporary disposal landfill. In 1961, the area began to operate as a sanitary landfill, designated to accept municipal refuse generated only in the Town of Tewksbury. In addition to municipal waste from Tewksbury, the landfill accepted municipal, commercial and industrial wastes from both inside and outside the town. Solvents, sanitary sewage sludge with small quantities of unknown hazardous waste, and small quantities of paint sludge and steel drum reconditioner have been disposed of at the landfill.

The Site has had an extensive history of non-compliance. In 1966, the Town of Tewksbury was ordered by the Commonwealth of Massachusetts (the "Commonwealth") to operate the landfill using the sanitary landfill method. However, after 1966, there were documented occurrences of landfill burning, uncovered waste areas, the filling in of on-site wetlands, wastes disposed below the water table, and landfill slopes that exceeded operation plans. The owners received numerous violation citations from both state and local governments for violating a variety of

Massachusetts Sanitary Landfill Regulations. The Commonwealth ordered the closure of the landfill in 1979 due to these violations. On September 9, 1982, the Massachusetts Attorney General filed a complaint against the owner alleging violations of the Massachusetts Solid Waste Disposal Act, the Massachusetts Hazardous Waste Act, and the Massachusetts Wetlands Protection Act. The Commonwealth sought court orders to abate these violations, including orders to properly close the landfill. Despite the closure order, landfill operations continued until 1982 when official landfill operations suspended, but waste acceptance continued through 1988. An on-site loam operation which began around 1983 was halted by a Town of Tewksbury injunction prior to March 1992 due to wetlands violations.

Numerous investigations of the Site by local, state and federal organizations have revealed the presence of volatile organic compounds ("VOCs"), semivolatile organic compounds ("SVOCs"), pesticides, polychlorinated biphenyls ("PCBs") and inorganic elements in on-site and off-site ground water, surface water, sediments, soils, and VOCs and SVOCs in air samples. The Massachusetts Department of Environmental Protection received information regarding drum disposal in May 1999. Sampling and analysis of about 60 crushed drums and contaminated soils have indicated the presence of hazardous materials, including but not limited to ethylbenzene, toluene, xylene, and phthalates.

The Site was proposed to the National Priorities List in July 2000. A fund lead removal is presently being performed by EPA to address cleanup of the contaminated drum area.